



PATENT
Attorney Docket No. 256.00010120
(formerly 232.00010120)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stefan M. Pulst) Group Art Unit: 1655
Serial No.: 08/981,998)
Filed: 11 May 1998)
For: NUCLEIC ACID ENCODING SPINOCEREBELLAR ATAXIA-2 AND
PRODUCTS RELATED THERETO

DECLARATION UNDER 37 C.F.R. §132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Stefan-M. Pulst, M.D., declare and say as follows:

1. I attended Hannover Medical School in the Federal Republic of Germany (1973 to 1977), and Harvard University Medical School, Boston, Massachusetts (1977 to 1978). From 1978 to 1979, I was an Intern at the Hannover Medical School, and in 1979 I was awarded the degree M.D. (Approbation zum Arzt). In 1980, I was awarded the degree Dr. Med. from Hannover Medical School, and from 1980 to 1981 I was a Resident in Neurology at Hannover Medical School. I was Senior Resident and Clinical Fellow in Neurology (1981 to 1982) and Chief Resident and Clinical Fellow in Neurology (1982 to 1983), Longwood Area Neurological Program, Harvard Medical School. From 1983 to 1984 I was Visiting Research Neurologist, Brain Tumor Research Center, University of California, San Francisco, and from 1984 to 1986 I was a Postdoctoral Fellow in the Department of Physiology, Division of Neurobiology, University of California, San Francisco. Since 1986 I have been a Research Scientist at the Department of Medicine, Cedars-Sinai Medical Center, Los Angeles, California. At the present time, I am also Co-Director of the Neurofibromatosis Clinic, Director of the Neurogenetics

Laboratory, Director and Carmen & Louis Warschaw Chair of the Division of Neurology, Scientific Director of the Parkinson Disease and Alzheimer Disease Research and Treatment Centers, and Co-Director of the MDA Neuromuscular Clinic, all at Cedars-Sinai Medical Center. I have published over 95 peer reviewed papers, edited 6 books, authored or co-authored over 25 book chapters, authored or co-authored over 6 reviews, and authored or co-authored over 106 abstracts, all of which relate to the fields of molecular genetics and/or neurology.

2. I am the sole inventor of the subject matter claimed in the above-identified application, filed in the United States May 11, 1998. I have reviewed the Office Action mailed April 10, 2001, with respect to the above-identified application and make this declaration in support of the patentability of the claims pending in the present application.

3. I am one of 16 co-authors of the Pulst et al., *Nature Genet.*, 14, 269-276 (1996) document cited by the Examiner in the Office Action mailed April 10, 2001. The other co-authors of the document are Alex Nechiporuk, Tamilla Nechiporuk, Suzana Gispert, Xiao-Ning Chen, Iscia Lopes-Cendes, Susan Pearlman, Sidney Starkman, Guillermo Orozco-Diaz, Astrid Lunkes, Pieter DeJong, Guy A. Rouleau, Georg Auburger, Julie R. Korenberg, Carla Figueroa, and Soodebeh Sahba.

4. Alex Nechiporuk, Tamilla Nechiporuk, Carla Figueroa, and Soodebeh Sahba were technicians who worked in my laboratory during the time the experiments disclosed in the Pulst et al. document were conducted. They are not co-inventors of the subject matter disclosed and claimed in the above-identified patent application, but are listed as co-authors of the Pulst et al. document. Under my direction and supervision, they conducted the experiments described in Pulst et al., including cloning and determining the nucleotide sequence of the mouse SCA2 cDNA disclosed at GenBank Accession Number U70670. They are listed as co-authors because they conducted the experiments described in Pulst et al.

5. Suzana Gispert, Astrid Lunkes, and Georg Auburger were affiliated with the Department of Neurology, Heinrich-Heine Universitaet, Duesseldorf, Germany, during the time

the experiments disclosed in the Pulst et al. document were conducted. They are not co-inventors of the subject matter disclosed and claimed in the above-identified patent application, but are listed as co-authors of the Pulst et al. document. At my request, they provided human DNA samples that were used in the construction of P1-artificial chromosome and bacterial artificial chromosome libraries. They are listed as co-authors because they provided human DNA samples.

6. Xiao-Ning Chen and Julie R. Korenberg were affiliated with the Division of Medical Genetics, Cedars Sinai Medical Center, University of California, Los Angeles, School of Medicine, during the time the experiments disclosed in the Pulst et al. document were conducted. They are not co-inventors of the subject matter disclosed and claimed in the above-identified patent application, but are listed as co-authors of the Pulst et al. document. At my request, they mapped human SCA2 clones. They are listed as co-authors because they mapped human DNA clones.

7. Iscia Lopes-Cendes and Guy A. Rouleau were affiliated with the Centre for Research in Neuroscience, The Montreal General Hospital, McGill University, Montreal, Quebec, Canada, during the time the experiments disclosed in the Pulst et al. document were conducted. They are not co-inventors of the subject matter disclosed and claimed in the above-identified patent application, but are listed as co-authors of the Pulst et al. document. At my request, they provided human DNA samples that were used in the construction of P1-artificial chromosome and bacterial artificial chromosome libraries. They are listed as co-authors because they provided human DNA samples.

8. Susan Pearlman and Sidney Starkman were affiliated with the Department of Neurology, University of California, Los Angeles, School of Medicine, during the time the experiments disclosed in the Pulst et al. document were conducted. They are not co-inventors of the subject matter disclosed and claimed in the above-identified patent application, but are listed as co-authors of the Pulst et al. document. At my request, they provided human DNA samples that were used in the construction of P1-artificial chromosome and bacterial artificial

chromosome libraries. They are listed as co-authors because they provided human DNA samples.

9. Guillermo Orozco-Diaz was affiliated with the Neurology Service, Lenin Hospital, Loguin, Cuba, during the time the experiments disclosed in the Pulst et al. document were conducted. He is not a co-inventor of the subject matter disclosed and claimed in the above-identified patent application, but is listed as a co-author of the Pulst et al. document. At my request, he provided human DNA samples that were used in the construction of P1-artificial chromosome and bacterial artificial chromosome libraries. He is listed as a co-author because he provided human DNA samples.

10. Pieter DeJong was affiliated with the Department of Human Genetics, Roswell Park Cancer Institute, Buffalo, New York, during the time the experiments disclosed in the Pulst et al. document were conducted. He is not a co-inventor of the subject matter disclosed and claimed in the above-identified patent application, but is listed as a co-author of the Pulst et al. document. At my request, he mapped human SCA2 clones. He is listed as a co-author because he mapped human DNA clones.

11. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent that issues thereon.

Date: 9-4-01

Signed: P.M.P.
Stefan-M. Pulst